IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.102 OF 2001

Neela Dhananjay Gaikwad, .. Appellant.

Vs

Dhananjay V.Gaikwad, .. Respondent.

Mr V.S.Talkute, for the appellant.

Smt. Shanta Mhatre, for the respondent.

CORAM : SMT RANJANA DESAI & D.B.BHOSALE,JJ.

DATE : 20.02.06.

PC:

1. Heard the learned counsel for the parties.

2. On 6th June,2005, this Court passed the following order on this Appeal.

> "1. Heard. The learned Advocates for the parties, on taking instructions from their respective clients, who are present in the Court, have submitted that both the parties have arrived at amicable settlement regarding the dispute between themselves, and consequently both have decided to approach the Family Court, Mumbai, in order to get divorce by consent, subject to that the respondent-Dhananjay Vishwanath Gaikwad shall pay a sum of Rs.6,00,000/- (Rupees Six lakhs only) to the appellant.
>
> 2. Accordingly, the respondent Dhananjay agrees and undertakes to deposit a sum of Rs. six lakhs in this court within a period of six weeks from today. The amount so deposited shall be invested in any nationalised bank for a period of six months

> within two weeks from the date of deposit of the said amount. The parties hereto agree that they will file suit for divorce in the Family Court, Mumbai, and will obtain the same by consent. On such application for divorce being filed, the Family court, Mumbai, shall dispose of the same as expeditiously as possible and in accordance with the provisions of law, and on disposal thereof, the parties hereto shall place on record of this appeal the copies of the decree of divorce. On such decree being placed on record, the amount deposited by the respondent shall be released in favour of the appellant along with the interest accrued thereon.
>
> 3. The appeal to be placed for hearing after the parties place on record copy of the decree of divorce.
>
> 4. Meanwhile, S.O.25th July, 2005."

3. The learned counsel for the parties state that accordingly the respondent has deposited an amount of Rs.six lacs in this court. As per the above order, the parties have filed the suit for divorce in the Family Court, Mumbai and they have obtained the consent decree. They have tendered in this Court today a copy of the judgment and decree dated 1.2.2006 dissolving the marriage by a decree of divorce by mutual consent. Copies of the judgment and decree are taken on record and marked "X" & "X-1" for identification. In view of this, as per the above order the amount deposited by the respondent in this Court will have to be released in favour of the appellant along with interest accrued thereon. The Registrar General is,therefore, directed to ensure that the amount

deposited by the respondent in this Court is released to the appellant along with the accrued interest thereon.

4. In view of the fact that the parties have amicably settled their disputes and the marriage between them stands dissolved by a decree of divorce by mutual consent, this Appeal does not survive and is disposed of as such.

(D.B.BHOSALE, J.) **(SMT.RANJANA DESAI,J.)**